IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

THURSDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

* * *

WRIT PETITION No.23113 of 2003

Between:

Gunja Rangaiah s/o Narayana
aged about 70 years, 0cc. Coolie,'
r/o. H.No.7-28, Angalakuduru village,
Tenali Mandal, Guntur district. … Petitioner

Versus

The Gram Panchayat, represented by its
Executive Officer, Angalakuduru village,
Tenali Mandal, Guntur district & Ors. … Respondents

Counsel for the Petitioner: **Sri Mummaneni Srinivas Rao**

Counsel for the Respondents: **Sri A.Prabhakar Rao**
Sri D.Srinivas

O R D E R :

The case of the petitioner is that his forefathers encroached the house site and constructed a house bearing No.7-28, situate in survey no.317-B, Anganakuduru village of Tenali Mandal, Guntur district.

It is stated that the petitioner and his forefathers are in continuous possession and enjoyment over the said site and the petitioner is therefore entitled for the assignment of the said house site and if he is not entitled either under Land Encroachment Act or any other relevant provision. Neither the Gram Panchayat nor the Mandal Revenue Officer are entitled to evict the petitioner or dispossess him from the said house site.

No counter has been filed by the first respondent.

The second respondent filed his counter stating that some persons of the said village filed a representation seeking to issue house site pattas in respect of the land in question and the Gram Panchayat had passed resolution no.205 dated 18-5-2003 to construct a shopping complex in the vicinity of the said land.

In view of the endorsement given to the applicants those who were requested to issue house site pattas stating that the land cannot be assigned or alienable.

It is further stated that the petitioner never filed any application seeking to assign the said land. I am not inclined to express any opinion with regard

to assignment of house site either to the petitioner or any other person, as the petitioner is in long possession of the said house site, the petitioner cannot be dispossessed from the said house site without following due process of law and without issuing any notice to the petitioner.

Having regard to the facts and circumstances, the writ petition is accordingly disposed directing the respondents not to interfere or dispossess the petitioner without following due process of law.

With the above direction, the writ petition is accordingly disposed of. No costs.

APRIL 06th, 2006. ----------

I s L. V. ESWARAIAH, J.